

R E M A R K S

This paper is submitted responsive to the official action of August 23, 2002. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner objected to the drawings, indicating that a figure should be submitted showing a front end loader. A figure has been enclosed herewith for the Examiner's review, and shows a packing attachment or "trash tamper", in accordance with the present invention positioned relative to a front end loader. In this figure, the front end loader has a mounting assembly A which engages with the mounting structure B of the apparatus of the present invention so that the packing apparatus can be used for compacting trash, for example within the open hopper of a truck. As set forth in the specification, the advantageous structure of the packing attachment of the present invention allows for use of the packing attachment to compact trash at a substantially vertical angle, which allows all trash within a hopper of a truck to be compacted, and which avoids the need for entering the hopper of the truck at an angle which can also damage the truck.

It is believed that the proposed figure enclosed herewith is not necessary for a proper understanding of the invention, and that the specification and drawings as filed thoroughly conveys the subject matter of the present invention. Nevertheless, if the Examiner believes that this additional figure improves the

clarity and understandability of the specification, applicant will submit a formal drawing and amend the specification to incorporate reference to this drawing upon approval of the proposed drawing correction by the Examiner.

The Examiner also rejected claims 1-8 under 35 USC 112, second paragraph, as indefinite. The Examiner indicates that it is unclear if the front loader machine is part of the invention.

Referring to claim 1, the front loader machine is referred to in functional language. Thus, the front loader machine is not an element of the claim. It is believed that this claim does not need amendment in order to respond to the rejection by the Examiner. If the Examiner would like to discuss an amendment to resolve her concerns, an interview is respectfully requested.

Next, the Examiner has rejected claims 1-8 under 35 USC 102 and 103 based upon U.S. Patent No. 5,025,720 to Bates.

It is respectfully submitted that Bates does not disclose or suggest the subject matter of these claims, and withdrawal of the rejection is respectfully requested.

Claim 1 of the present application sets forth advantageous structure of the present invention wherein the mounting structure defines spaced mounting points for connecting to a front loader machine wherein the spaced mounting points define a plane which is disposed at an angle to the longitudinal axis of the device, wherein the angle is between about 60° and about 80°. It is unclear which portion of the Bates device is being referred to as the spaced mounting points. Nevertheless, it is respectfully

submitted that 'none' of these mounting points are in a plane which is at the required angle to the longitudinal axis of the shaft of the device, and therefore that claim 1 is not anticipated by the Bates reference. Bates apparently discloses a tri-fold cotton tromper wherein the shaft or arm for holding the actual compaction or tromping end is defined having three separately pivotable sections. It is respectfully submitted that Bates does not disclose mounting structure within the scope of claim 1 of the present application since the structures in Bates are not considered to be mounting points, but rather appear to be pivot assemblies for use in articulating the arm of this device.

Based upon the foregoing, it is respectfully submitted that Bates, and all other art of record, clearly fail to disclose or suggest a mounting structure defining spaced mounting points which define a plane that is disposed at an angle to the longitudinal axis of the shaft which angle is between about 60 and about 80° as set forth in claim 1, and therefore that claim 1 is patentable over the art of record.

Dependent claims 2-8 all depend directly or indirectly from independent claim 1 and are submitted to be patentable based upon this dependency, and also in their own right.

For example, dependent claim 2 sets forth that the mounting structure comprises a planar member connected to the shaft and having a rear surface, and that the spaced mounting points are disposed on the rear surface. No such structure is seen in this

reference, and it is therefore submitted that dependent claim 2 contains patentable subject matter in its own right.

Dependent claim 3 further specifies that the planar member itself is positioned at an angle with the longitudinal axis of between 60 and 80°, and this structure, also, is not seen in the Bates reference.

Dependent claim 5 sets forth that deflection walls positioned between the shaft and the outer edge of the shoe are disposed along the entire extent of the outer edge of the shoe. Referring to Bates, and particularly to Figure 1, it is clear that the deflection walls which are apparently considered to be element 110 in Bates do not extend along the entire extent of the outer edge, and therefore that the subject matter of dependent claim 5 has not been met by the Bates reference.

Dependent claim 8 is drawn to a stabilizing member structure disposed between the shaft and the mounting structure. The Examiner has pointed to element 100 as being a stabilizing member. It is respectfully submitted, however, that this structure is not positioned between a mounting structure and shaft as required by dependent claim 8, and therefore that claim 8 further defines patentable subject matter in its own right.

By the present amendment, new dependent claims 9 and 10 have been added. Dependent claim 9 further requires that the packing attachment be substantially rigid from the mount end to the compacting end, inclusively. This is clear from the drawing and specification of the present invention, and further is required

in order to allow for use of the device in its desired environment.

Referring to the Bates structure, which involves an articulated arm for a completely different use, it is clear that no such structure is contemplated or suggested. Thus, dependent claim 9 patentably defines over Bates and all other art of record.

Dependent claim 10 further requires that the planar member be fixed relative to the shaft. This is clear from the drawings and specification in that the planar member cannot move, slide or pivot relative to the shaft. This further highlights the clear differences of the present invention from the articulated arm of the Bates reference, and dependent claim 10 is therefore also believed to define over the prior art in its own right.

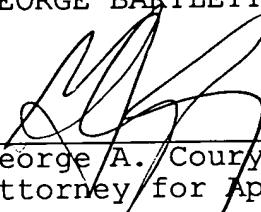
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

GEORGE BARTLETT

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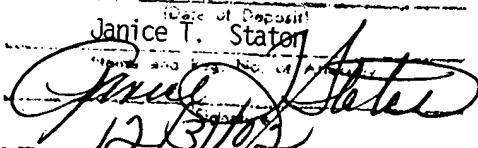
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Date: December 31, 2002

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on December 31, 2002

Janice T. Stater


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